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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,316	06/23/2006	Toshihiro Oki	292920US0PCT	9808
22850	7590	12/26/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
CHEUNG, WILLIAM K				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
12/26/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/584,316

Applicant(s)

OKI ET AL.

Examiner

WILLIAM K. CHEUNG

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 060908, 101006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 (line 2), the recitation "alkylbenzenesulfonate" is considered indefinite. There is not sufficient antecedent basis for the feature.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

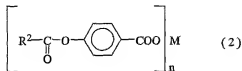
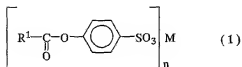
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Baeck et al. (EP 0 297 673).

1. A softening detergent composition comprising:

- (a) 1 to 30% by mass of a clay mineral;
(b) 0.5 to 20% by mass of a compound capable of releasing hydrogen peroxide in water;
(c) 0.1 to 20% by mass of a compound represented by the following general formula (1) or (2):

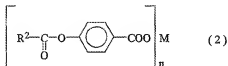
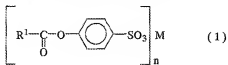


wherein R^1 is an alkyl group having 4 to 13 carbon atoms; R^2 is an alkyl group having 5 to 13 carbon atoms; M is a hydrogen atom, or an alkali metal atom, an alkaline earth metal atom, an ammonium or an alkanolamine, with proviso that when M is an alkaline earth metal atom, n is 2, and that when M is an alkali metal atom, an ammonium or an alkanolamine, n is 1, or a combination of both; and
10 to 60% by mass of a component corresponding to a surfactant as prescribed in

wherein a mass ratio of the component (b) to the component (c) [component (b)/component (c)] is from 3/4 to 20/1.

6. A method of enhancing softening effect of a clay mineral against a fibrous manufactured article, comprising the step of applying to the fibrous manufactured article,

- (a) a clay mineral;
- (b) a compound capable of releasing hydrogen peroxide in water; and
- (c) a compound represented by the following general formula (1) or (2):



wherein R^1 is an alkyl group having 4 to 13 carbon atoms; R^2 is an alkyl group having 5 to 13 carbon atoms; M is a hydrogen atom, or an alkali metal atom, an alkaline earth metal atom, an ammonium or an alkanolamine, with proviso that when M is an alkaline earth metal atom, n is 2, and that when M is an alkali metal atom, an ammonium or an alkanolamine, n is 1, or a combination of both, in mass ratios satisfying:
the component (b)/the component (c) = 3/4 to 20/1, and
the component (a)/the component (c) = 35/1 to 1/5.

Baeck et al. (page 7-8, Table, Composition II) disclose a composition that meets all the features of claims 1-8. Regarding claims 6-8, Baeck et al. (abstract) clearly teach using the disclosed composition as a fabric softening materials. Applicants must recognize that fabrics are inherently fibrous materials. Claims 1-8 are anticipated.

5. Claims 1, 2, 5, 6, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al. (US 2002/0128165).

Baker et al. (page 11-13, Composition I) disclose a composition that meets all the features of claims 1, 2, 5, 6, 7. Regarding the method of claims 6, 7, Baker et al. (page 1, 0014) clearly teach using the disclosed composition for use in automatic laundry or for washing fabrics which are inherently fibrous materials. Claims 1, 2, 5, 6, 7 are anticipated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM K. CHEUNG whose telephone number is (571)272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William K Cheung/
Primary Examiner, Art Unit 1796

William K. Cheung, Ph. D.
Primary Examiner
December 18, 2008